IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 61 of 2005

PARMESHWAR LAL & ORS
V/S
SHRI BHUDHARMAL

Mr. NARENDRA RAJPUROHIT for Mr.SG OJHA, for the appellant

Date of Order : 1.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellants at length, and perused the impugned judgments.

The findings recorded by the learned Lower Appellate Court on the issues Nos.1 and 2, which are the main issues, are based on cogent, and convincing reasons setting aside the findings of the learned trial Court. All said and done, admittedly, the appellants claim their right in the property only under agreements to sale, being dated 19.2.89 and 26.2.90. As informed by learned counsel for the appellant, those agreements are not registered one, and admittedly, no suit for specific performance of those agreements has been filed. Thus, those agreements by themselves do not convey any right to the appellants, so as to interfere with the possession of the representative of other co-sharer, when admittedly, the property is not partitioned one.

In these circumstances, the appeal does not involve any substantial question of law, and the same is, therefore, dismissed summarily.

(N P GUPTA),J.

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